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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,081	06/15/2001	Karel-Jan Van Der Toorn	NL 000327	9487

7590 10/24/2002
U.S. Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

WILSON, LEE D

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,081

Applicant(s)

VAN DER TOORN, KAREL-JAN

Examiner

LEE D WILSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO 00202080.8 on 6/15/00. It is noted, however, that **applicant has now** filed a certified copy of the application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings corrections have been approved 10/7/02.

Specification

3. The disclosure is objected to because the element number 20 does not appear in the specifications as shown in fig.3 filed 10/7/02. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell (6152435).

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a. Snell discloses a holder having a base plate (20), a guide member (24) with two guides (60&62) with two tapering sides and three guides (fig.3B).

b. Snell does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use the holder is being used for. (Note: a holder is often named on bases of its intended use but that may not be the only use for the workholder.)

6. Claims 1-2, 4, and 7- 9 under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920).

a. Engibarov discloses a holder having a base plate (10), a guide member (18) with three guides with two tapering sides (see fig.7 which element 29 has two tapering sides or fig.9 with elements 66&68, all of these read) and the guide is secured (col.3, lines 24-27) to a slot (20) by nut (19) and bolt (25).

b. Engibarov does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use the holder is being used for. (Note: a holder is often named on bases of its intended use but that may not be the only use for the workholder.)

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d. In regard to claim 6, Engibarov discloses the claimed invention except for aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made nuts and bolt out of aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

e. In regard to claim 8, Engibarov discloses the claimed invention except for a material having a low coefficient of friction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made a guide member out of a material with a low coefficient of friction, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of McConkey (5074536).

a. Engibarov is discussed above.

b. Engibarov does not disclose guide members with a trapezodial shape.

c. McConkey discloses a holder having guide members with a trapezodial shape (15&18) which is an alternative shape used to hold a workpiece.

d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a trapezoidal shape as taught by McConkey which used as an alternative shape used to hold a workpiece.

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Gaither (3626600).

- a. Engibarov is discussed above.
- b. Engibarov does not disclose guide members with a trapezodial shape.
- c. Gaither discloses a holder having a guide member (19) and a base (18) that is graduated which allows the movements of the guide member to be measured.
- d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a base that is graduated as taught by Gaither which allows the movements of the guide member to be measured.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Takisawa et al (6383890).

- a. Engibarov is discussed above.
- b. Engibarov does not disclose a detection means.
- c. Takisawa et al disclose a holder having a detection means which allows the position of the workpiece to be determined.
- d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a position sensor as taught by Takisawa et al which allows the position of the workpiece to be determined.

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Response to Arguments

10. Applicant's arguments filed 10/1/02 have been fully considered but they are not persuasive.

11. Applicant had amended the claims to read over the prior art.

a. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

b. There are new rejections treating the new limitations placed in the claims. The new 103 deals with new limitations as a matter of intended use. What a workholder is defined as often refers to the intended use of the workholder; however, the workholder has utility beyond its intended use that often coins the name of the work holder. For example many tables are called dinner tables but its utility includes more than just eating dinners on the table. The table could be used for paint, drawing, preparing food, etc.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

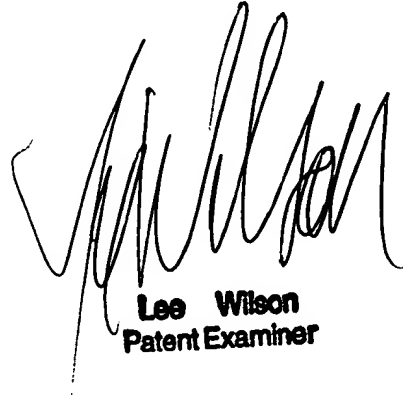
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Wilson whose telephone number is (703) 305-4094.

ldw

October 23, 2002



Lee Wilson
Patent Examiner